

6. PUBLIC INVOLVEMENT, REVIEW, AND CONSULTATION

6.1. PUBLIC INVOLVEMENT PROGRAM AND STUDY HISTORY

6.1.1. The initial public meeting on the MRGO new lock and connecting channels study was held in the St. Bernard Parish Courthouse, Chalmette, Louisiana, on February 1, 1960. St. Bernard Parish officials and representatives were opposed to any site located in St. Bernard Parish and expressed the opinion that the site for a new lock should be adjacent to the existing IHNC lock. They were unalterably opposed to the "Upper Site", located upstream of community of Violet, Louisiana, because it would involve and inconvenience a large number of St. Bernard Parish residents, would interrupt traffic to and from areas below (down-stream of) the lock, and would necessitate relocations of drainage, sewerage, and water facilities. While the "Lower Site", located downstream of Violet, was also objectionable for the same reasons, the magnitude of the undesirable features would be less. Therefore, the St. Bernard Parish interests stated that if they were forced to accept construction of a lock in the parish, the Lower Site would be preferred. The Meraux location, mentioned in the authorizing legislation was deemed unsatisfactory because of industrial development and adverse river conditions at the site.

6.1.2. Navigation interests expressed a preference for the Upper Site in St. Bernard Parish because it offered the best river conditions for accessing the lock. Representatives of the Port of New Orleans, expressed no preference between the Upper and Lower Sites but stated that they would attempt to secure the necessary rights-of-way along either route.

6.1.3. A Lock Study Report, which was produced by the New Orleans District in March 1961, addressed three alternative sites: a site adjacent to the existing IHNC lock and the Upper and Lower Sites in St. Bernard Parish. The site in the vicinity of Meraux was eliminated after preliminary study because of the industrial development in the area and certain adverse river conditions which made this location impracticable. The report recommended construction of a barge lock at the Upper Site in St. Bernard Parish. After thorough review of the report within the Corps, the New Orleans District informed the local assuring agency (Port of New Orleans), that no authority existed for the construction of a barge lock. Planning was curtailed until late 1964 when the Port of New Orleans requested that the New Orleans District re-initiate planning for a ship lock based on new data.

6.1.4. The Port of New Orleans furnished new data for justification of a ship lock in June 1966 and requested that a new ship lock be considered near the existing IHNC lock. In September 1966, the New Orleans District completed a report entitled "Mississippi River, Baton Rouge to the Gulf of Mexico, Mississippi River Gulf Outlet, Report on the Need for a New Ship Lock". The report recommended that a general design memorandum (GDM) be prepared as soon as practicable for a new ship lock at the IHNC location. The Chief of

Engineers authorized preparation of a GDM subject to the resolution of certain comments regarding size and alternate alignments. The Chief of Engineer's authorizing memo contained comments to the effect that limitations on vessel size imposed by the present small lock has, in all probability, caused ship traffic to remain at a fairly low level and that much more detailed study of anticipated traffic, growth of port activity, and growth of industry should be made to support any conclusion as to what the most feasible and desirable plan should be and as to what size lock should be adopted.

6.1.5. During 1967, three alignments for a new lock and connecting channels in the vicinity of the IHNC were investigated. Sites 375 feet, 500 feet, and 1,750 feet east of the existing lock were studied. During a conference concerning the project, the Port of New Orleans representative reported that the Port would not participate in the development of the alignment 1,750 feet downstream of the existing lock due to the vast disruption of the community that would result. The consensus of the conference was that the plan for a lock 500 feet below the existing lock would be further developed, provided it could be demonstrated that rail traffic over the canal would not impair the canal's utility.

6.1.6. Planning for a new lock at the IHNC site proceeded with contracts awarded for surveys and a rail and marine traffic interference study. The Corps began to compile data for parts of the GDM and a combined 7-year, planning-construction schedule was approved by the Corps' Lower Mississippi Valley Division Office. In July 1969, the Port of New Orleans was informed by the Corps that, due to foundation considerations, and using conventional construction methods, a new lock could be constructed no closer than 750 feet from the existing structure (centerline to centerline distance). The Port of New Orleans determined that their responsibilities to provide real estate, bridge replacements, and other relocations were excessive. Furthermore, the social and economic impact to the adjacent community, as well commuters and railroads, would be tremendous. The Port of New Orleans withdrew the State of Louisiana's support for a new lock at the IHNC Site and requested that sites in St. Bernard Parish be re-evaluated in accordance with authorizing legislation.

6.1.7. The first step taken in evaluating potential St. Bernard Parish sites for a new lock was to begin updating the information for the sites studied earlier: the Upper and Lower Sites. During 1969, the Port of New Orleans suggested that a new site in St. Bernard Parish, the Saxonholm Site, might be worthy of evaluation. This site is located up-stream of the Upper and Lower Sites and, as such, more of St. Bernard Parishes' residents reside below this site. The Saxonholm Site would therefore be the most disruptive of the St. Bernard sites to the orderly development of the parish. Due to the relatively greater impact on local residents by this alignment and the conflict with the proposed interstate highway, planning for the Saxonholm Site was discontinued.

6.1.8. During the period of 1969 to 1972, the Upper and Lower Sites in St. Bernard Parish were further refined. Also during this period, considerable opposition from citizen groups and elected officials developed. Congressman F. Edward Hebert requested the Corps, by

letter, to delay a planned public meeting in order to develop more ". . . definitive information on the project which would resolve the questions of the people of St. Bernard" He also urged ". . . full-scale planning to proceed at the Lower Site in St. Bernard Parish where the impact on the community would be least so that the urgent economic and national defense need for the project could be expeditiously satisfied"

6.1.9. A public meeting scheduled for April 1972, was postponed at the request of St. Bernard Parish officials so that they could study the proposed plan further. The meeting was rescheduled for November 15, 1972, but was again postponed when the St. Bernard Parish Police Jury demanded that the meeting be canceled and that only alternate sites be the topic of such meeting. Stalling tactics on the part of St. Bernard Parish were obvious. Two public meetings were eventually held; one in New Orleans on November 29, 1972, and another in Chalmette (St. Bernard Parish) on December 9, 1972. Both meetings were well attended with a total of about 1,600 people attending the two meetings. Voluminous and vociferous testimony was presented. The first meeting lasted 12 hours and the second meeting lasted over 15 hours. Both meetings were continued until no persons remained to testify.

6.1.10. In general, those opposed to a new lock in St. Bernard Parish included the political leadership and citizens of the parish, a number of environmental organizations, and a small segment of local shallow-draft navigation interests. They were well organized and very vocal. Petitions against the project being located in St. Bernard Parish, containing over 18,000 names, were presented by the President of the St. Bernard Parish Police Jury and other police jurymen. The major concerns voiced at the meetings were the fear of environmental damage to wetlands, disruption of transportation and utilities by cutting the parish in half, and a fear of increased danger of flooding. Those in favor of the project included the Governor of Louisiana backed by all state agencies (with the exception of the Louisiana Department of Wildlife and Fisheries which took no position at the time, but subsequently went on record favoring the IHNC site on environmental grounds), the Port of New Orleans, Congressman F. Edward Hebert, the Mayor of New Orleans, organized labor, the shallow-draft navigation industry (American Waterway Operators), numerous shipping firms, civic groups, and individuals.

6.1.11. The official statement of the State of Louisiana formally recommended the construction of a deep-draft lock at the Lower Site provided certain conditions were met. The conditions are summarized as follows:

- ▶ A 4-lane, high-level highway bridge would be constructed at Federal expense over the new channel;
- ▶ All utilities, such as gas and water lines and railroads, would be relocated so that no interruption of services would occur to residents;
- ▶ Construction of the lock and channels would not commence until construction of the highway bridge and relocation of all utilities and traffic arteries are completed;

- ▶ Construction of levees along the connecting channels would be constructed to project grade and section to withstand the project design hurricane, and that these levees be completed before the hurricane protection levee along the MRGO is cut;
- ▶ The EIS would be prepared prior to the start of construction of the project so that the EIS may be thoroughly considered and reviewed by all appropriate state agencies, and;
- ▶ Upon completion of the project, the connecting channel and the land immediately adjacent to the channel would be placed under the jurisdiction and control of the appropriate St. Bernard Parish authorities.

6.1.12. The formal statement of the St. Bernard Parish Police Jury declared that ". . . The Jury stands unanimous in its opposition to the construction of any new lock within the boundaries of St. Bernard Parish Its construction within our parish would destroy our most valuable resource, our marshlands, and would create hazards for and problems to every citizen" The Police Jury reserved the right to file suits challenging any phase of the project. They further stated that the long-term impact (to St. Bernard) would indicate that any site other than the IHNC Site, ". . . is so disastrous that it prohibits any further consideration by reasonable men" The parish's statement went on to list a variety of reasons why the new lock should not be built in St. Bernard Parish.

6.1.13. In view of the considerable controversy raised by St. Bernard Parish officials and other opponents to a site in St. Bernard Parish, investigations were made of some possible new sites suggested during the 1972 public meetings and some sites previously studied. The sites studied are listed below and shown on Plate 2.

- ▶ IHNC Site, Orleans Parish;
- ▶ Saxonholm Site, St. Bernard Parish;
- ▶ Upper Site, St. Bernard Parish;
- ▶ Lower Site, St. Bernard Parish;
- ▶ Caernarvon Site, St. Bernard and Plaquemines Parishes;
- ▶ Scarsdale Site, St. Bernard and Plaquemines Parishes, and;
- ▶ Bohemia Site, St. Bernard and Plaquemines Parishes.

6.1.14. Fourteen alternative plans comprising the above-mentioned sites were compared and ranked independently by the Corps and the Port of New Orleans. The criteria by which the alternative plans were ranked included cost, construction difficulty, navigation benefits, navigation adequacy, local economics, relocations, social impacts, ecological impacts, operation and maintenance difficulties, and public sentiment.

6.1.15. A Corps of Engineers planning conference to discuss IHNC Site construction techniques was held on March 27-28, 1973, with representatives of the Office of Chief of Engineers, Lower Mississippi River Valley Division, Vicksburg District, and New Orleans District attending. The consensus of expert technical opinion was that by using a unique

cofferdam construction method, a ship lock could be constructed on the east side of the IHNC within real estate limitations previously determined to be the maximum acceptable. The limits extend to Jourdan Avenue between the MRGO and St. Claude Avenue and the center of the block between Jourdan Avenue and Deslonde Street between St. Claude Avenue and the Mississippi River.

6.1.16. Successive screening of the fourteen alternative plans resulted in the elimination of plans at Saxonholm, Caernarvon, Scarsdale, and Bohemia and carrying four plans forward for continued analysis:

- ▶ IHNC Site - east of channel center, opposite Galvez Street Wharf;
- ▶ IHNC Site - east of the existing lock;
- ▶ Lower Site with a land bridge at the IHNC, and;
- ▶ Lower Site.

The Lower Site with a land bridge at the IHNC included demolition of the existing lock and filling-in the lock area and part of the IHNC to build a park. Bridges crossing the IHNC would be demolished and replaced with ground-level boulevards eliminating the traffic delays common at the IHNC crossings.

6.1.17. An interim report, containing relative considerations of various plans and modes of operation for a new lock at the IHNC and Lower Sites, was sent to city, parish, state, and Federal agencies and officials directly concerned or representing a segment of the public potentially impacted by a new lock. Additionally, the Port of New Orleans, navigation interests, and conservation interests were sent copies of the report. Of the 72 packages mailed, 27 responses were received. Congressman F. Edward Hebert continued to support a new lock at the Lower Site. Congresswoman Lindy Boggs stated that she would rely heavily on the Corps' judgement. The Governor of Louisiana continued to favor the Lower Site, although the Director of the Louisiana Wildlife and Fisheries Commission supported the IHNC Site on ecological grounds. The Port of New Orleans supported a lock at the Lower Site with modified operation of the IHNC Lock. The St. Bernard Parish Planning Commission and St. Bernard representatives maintained their support for a lock at the IHNC. In general, those persons representing or living in St. Bernard Parish, and ecologists were against a new lock in St. Bernard, while those persons living in Orleans Parish and elsewhere, and those persons associated with the State of Louisiana and the transportation industry were in favor of a St. Bernard Site.

6.1.18. As a result of the responses from the interim report and from continuing studies made during 1973, two plans were selected for more detailed study; the IHNC - east of Galvez Wharf Site and the Lower Site. These two plans were compared, in detail, in the Mississippi River - Gulf Outlet, New Lock and Connecting Channels, Site Selection Report, prepared by the New Orleans District in March 1975. The conclusions of the report state that the District Engineer considered the views of other agencies and the concerned public relative to a site selection, in particular as regards the possible consequences of the

alternatives with respect to both regional and national well-being, and economic effects with respect to both regional and national development. Based on these deliberations and the sheer weight of evidence, the District Engineer considered the Lower Site Plan to provide the best solution to the total problem and one that offered the most effective means of achieving the purposes of the authorized project. The recommendations included construction of a barge canal to connect the MRGO with the GIWW; the purchase and mothballing of the IHNC Lock by the Federal Government; and the provision for ecological mitigation.

6.1.19. In April 1976, the St. Bernard Parish Police Jury released the "Official Presentation of the Governing Authority and the People of St. Bernard Parish Opposing the Construction of a Ship Lock and Canal Within St. Bernard Parish, State of Louisiana", an 8-page denouncement of the proposed lock project in St. Bernard Parish. Nevertheless, preparation of a General Design Memorandum for construction of a lock at the Lower Site proceeded with the approval of the Chief of Engineers.

6.1.20. In April 1977, President Jimmy Carter, citing environmental considerations, directed the Corps to undertake further studies of a replacement lock at the IHNC Site with emphasis on actions to minimize the displacement and disruption of residents. Planning efforts then shifted back to the IHNC Site. The Steering Committee for a New Ship Lock (SCANS) was formed in 1978 by the Port of New Orleans to provide a forum for exchange of information between interested parties and the Corps and Port of New Orleans. On May 2, 1978, shortly after the formation of SCANS and after general guidance from the Corps' Washington headquarters was received by New Orleans District relative to President Carter's instructions, SCANS and the Dock Board held a public meeting for the purpose of soliciting feedback from the community around the IHNC. The primary concern voiced by the local community representatives was that they wanted the opportunity to make community and neighborhood desires known before any decisions were made. Responding to this request, the Port of New Orleans, in conjunction with the City of New Orleans and with Corps participation, hired the consulting firm of EDAW, Incorporated, to prepare a Community Development Plan for the Ninth Ward (IHNC site) and a Social Impact Assessment of the possible alternatives. EDAW developed and instituted an involvement program consisting of three main communication elements: workshops, newsletters, and a project field office. The program resulted in direct citizen participation in a study of the Ninth Ward, local resident's recognition of common neighborhood problems and issues, and cognizance of the status of various planning efforts by government agencies.

6.1.21. Information gathered by the SCANS and extensive comparative economic analysis were used by the Corps to prepare a preliminary draft, feasibility-level report with accompanying EIS in 1982, with the tentatively selected plan being a new lock at the IHNC Site, adjacent to and east of the existing lock. The New Orleans District identified this site as the National Economic Development plan on the basis of economic considerations but also recognized that this site had the most severe negative impacts on local neighborhoods.

After the draft report had been reviewed by the Corps' Lower Mississippi River Valley Division office, and subsequently revised by the New Orleans District, the District was instructed not to release the report to the public and to cease working on the study because of unresolved issues. The study was put on-hold from 1982 until 1987 when planning efforts resumed after passage of the Water Resources Development Act (WRDA) of 1986 (PL 99-662) and receipt of a letter of support from the Governor of Louisiana. The Water Resources Development Act of 1986 modified Public Law 455 of 1956 "... to provide that the replacement and expansion of the existing Industrial Canal lock and connecting channels or the construction of an additional lock and channels shall be in the area of the existing lock or at the Violet site . . . The Secretary is directed to make maximum effort to assure the full participation of members of minority groups, living in the affected areas, in the construction of the replacement or additional lock and connecting channels"

6.1.22. A Notice of Intent to prepare an EIS was published in the Federal Register on April 11, 1988. A scoping input request was mailed to Federal, state, and local elected officials and government agencies, local news media, concerned citizens, residents of the Ninth Ward near the IHNC, affected industries, and other interested parties on June 6, 1988. From the 595 letters sent, 19 responses were received. A Scoping Document, summarizing the comments, was sent to all of the persons who responded to the original request. Copies of the Scoping Input Request and Scoping Document are included in Appendix D, Section 9.

6.1.23. From 1987 to 1990, various lock sizes and construction techniques at both the IHNC site and the Violet site were investigated. Efforts were made to minimize environmental impacts and socioeconomic disruption at the Violet site while planning efforts for the IHNC alternatives concentrated on minimizing impacts to local residents. In January 1989, a meeting of various local, state, and Federal agencies was convened by the District to discuss environmental mitigation options for impacts of a lock and connecting channels at the Violet Site. With the exception of the U.S. Fish and Wildlife Service, who, by law, must assist the Corps in mitigation planning for impacts to natural resources, the other agencies offered little help in identifying potential mitigation options. In fact, the Governor's Assistant for Coastal Affairs stated that it was a waste of time to even discuss the subject because a lock at Violet would never be consistent with Louisiana's Coastal Resources Program. On April 18, 1989, the St. Bernard Parish Police Jury unanimously passed a resolution that reiterated its previous stand opposing a connecting link at Violet or any other site in the parish. In addition, the St. Bernard Planning Commission stated in a letter dated August 21, 1989, that a parish-wide planning study would be necessary to identify impacts of a lock at Violet and to identify potential mitigation sites for losses to fish and wildlife resources. The letter contained numerous other demands, some of which are not within the Corps' authority. During meetings with residents and elected officials of St. Bernard Parish, criticism of the Corps was repeatedly raised regarding the construction of the MRGO through St. Bernard Parish. These people believe that they were misled with promises of economic development that never materialized. Also, the long-term adverse environmental effects of the MRGO continue to anger the local populace. It

is for these reasons that many residents are opposed to any new Federal navigation project in their parish.

6.1.24. At the March 27, 1990, meeting of the Inland Waterway User Board, the New Orleans District announced the decision to consider any plans for a new lock in the vicinity of Violet as un-implementable on environmental grounds. Public comments at the meeting were in favor of constructing a new lock at the IHNC as soon as possible. A "mini-report" justifying the elimination of the Violet Site as a viable alternative was prepared by the New Orleans District in January 1991, and sent to the higher authority for approval. The Assistant Secretary of the Army for Civil Works office concurred with the District's recommendation but instructed that the rationale for eliminating the Violet Site from further consideration must be detailed in the feasibility report/EIS.

6.1.25. The Committee on Appropriations of the U.S. House of Representatives, in conjunction with the FY 1991 Appropriations Act, directed the Corps ". . . in conjunction with the local project sponsor . . . to implement a community participation process with affected residential, business, and governmental entities . . . The Corps shall designate an advisory group for the purposes of exchanging information and receiving community opinion and advising the District Engineer on various aspects of the project. The Corps shall give maximum consideration to lock replacement alternatives which minimizes (sic) residential and business disruption while meeting the goals of improving waterborne commerce"

6.1.26. In an initial response, the Corps established the Industrial Canal Lock Advisory Council made up of four community representatives, three business representatives, four navigation industry representatives, and four local elected officials. The Council held two contentious public meetings in February and June 1991, that underscored the extent of opposition in the neighborhoods to construction of a replacement lock and the depth of distrust that the neighborhood residents had for the other stakeholders in the process. The lack of progress by the Council prompted the District to try a more direct approach in communicating with local interests. A Neighborhood Working Group (NWG) was established with representatives of the Holy Cross Neighborhood Association, the Lower Ninth Ward Neighborhood Council, the Bywater Neighborhood Association, the St. Claude Avenue Business Association, the Historic Districts Landmark Commission, the New Orleans City Planning Commission, the Regional Planning Commission, the Port of New Orleans, and the Corps as members.

6.1.27. At the first meeting of the NWG held in August 1991, the District representatives explained that the group was established to provide a more direct and effective means of communicating with the community. Although local community representatives on the NWG repeated their determined opposition to building a replacement lock and bridges within their neighborhoods, they approved of the new, direct approach and indicated their willingness to listen and work with the Corps. Subsequent meetings were held every two weeks over a period of four months. Local representatives repeatedly asked why a

location in the IHNC, north of Claiborne Avenue, which had been identified in a socioeconomic impact evaluation and mitigation plan prepared by a local consultant for the Corps, was not being presented as an alternative construction site. According to the consultant's report, a site for a new lock north of Claiborne Avenue had the potential to significantly reduce project-related impacts on the community. Although the Corps explained that previous design studies showed that lock construction at this location would be more costly and would require the closure of the IHNC for a period of up to six years, community representatives insisted that the North of Claiborne Avenue site represented the least objectionable location from a community impact standpoint. Community leaders also voiced strong opposition to a mid-level replacement bridge at St. Claude Avenue which was a critical feature of plans for a new lock adjacent to the existing one. As a result of the group's deliberations, the Corps agreed to further investigate the prospect of constructing a replacement lock north of Claiborne Avenue with a low-level replacement bridge at St. Claude Avenue. At a meeting of representatives of the Corps, the Port of New Orleans and local elected officials in December 1991, the elected officials expressed a desire to be more involved with the project. At the request of the Port of New Orleans, the District delayed any further meetings of the NWG to give the elected officials the opportunity to become more involved in the planning process. At a follow-up meeting, the Port of New Orleans and local elected officials agreed that only the North of Claiborne Avenue plan is implementable and refused to support other plans at the IHNC because of intolerable and un-mitigable neighborhood impacts.

6.1.28. During 1992 and the first half of 1993, while the NWG was inactive, the Corps developed a new plan for constructing a replacement lock at the North of Claiborne Avenue site. In August 1993, the Port of New Orleans, in conjunction with the Corps, re-activated the Neighborhood Working Group in an attempt to identify community needs and mitigation requirements for the North of Claiborne Avenue site. On the basis of the NWG meetings, the Corps formulated a comprehensive mitigation plan that incorporates many of the ideas, concerns, and desires of local residents. The action by the Corps to consider input from the NWG in the preparation of a comprehensive plan complies with the guidance outlines in the FY 1991 reports of the House and Senate Appropriations Committees. Consequently, the tentative selection of the North of Claiborne Avenue site, coupled with the process used to develop the project mitigation plan, fulfill Congressional guidance.

6.1.29. The District has also established a Navigation Working Group that includes representatives of the American Waterway Operators, the Gulf Intracoastal Canal Association, the Louisiana Association of Waterways and Shipyards, the Louisiana Intracoastal Seaway Association, the Inland Waterway Users Board, the New Orleans Steamship Association, the Port of New Orleans, the U.S. Coast Guard, the Greater New Orleans Barge Fleeting Association, the Corps, and other users of the IHNC. The Navigation Working Group has met on several occasions since December 1991, for productive discussions on a variety of topics. The group's position to date is that, even if the North of Claiborne Avenue alternative causes some inconveniences to the navigation

users during construction, it is the alternative that has the best potential of being constructed.

6.1.30. In August 1994, the Port of New Orleans and the New Orleans District opened a project information office in the Sanchez Center, a community center located in the Lower Ninth Ward. The office provided an easily-accessible location for local residents and served as a clearinghouse for information about the lock replacement plan. Community representatives had requested such an office. Office staff provided information about the lock replacement plan and received feedback from residents. In addition, informational brochures and a display were located in the Alvar Street Library.

6.1.31. Many of the meetings at which representatives of the New Orleans District met in recent years with interested parties concerning lock replacement are recorded in Appendix A, Mitigation Plan. Meetings with local interests to discuss the project and associated community impact mitigation plan took place up to the release of the draft document and continued during preparation of this final report.

6.1.32. A public meeting to present the tentatively selected plan to the public and for the public to voice their comments and concerns was held on January 27, 1997, at the Holy Cross Middle and High School, at 7:00 p.m. Approximately 300 people attended the meeting, with 48 people presenting oral comments. The majority of the commentors were residents of the neighborhoods adjacent to the IHNC who voiced their opposition to the tentatively selected plan. Their opposition was mainly due to the disruption of their communities that would occur during project construction. Specific comments voiced were decreased real estate values, increased vacancy rates, loss of customers at local businesses, increased travel times, traffic delays, loss of access across the canal, decreased school enrollment, noise, vibrations, loss of greenspace, destruction of the historic neighborhoods, and release of contaminated sediments. Traffic detours and delays during the bridge outage periods were the basis for most of the concerns expressed by local residents. Several commentors criticized the mitigation plan for containing items which are not mitigation, but rather are required features of a project in an urban environment. There were some representatives from the shallow-draft navigation industry who spoke in favor of the project. A complete transcript of the public meeting, and responses to the comments presented, is contained in the Public Views and Responses Appendix. Also included in the appendix are letters received on the draft report and responses to them.

6.1.33. The major differences between this final report and the draft report are the inclusion of a temporary bridge at St. Claude Avenue during the replacement of the existing bridge; a revised plan for modifying the Claiborne Avenue bridge which reduces the outage time; a fold-down floodwall in the Holy Cross area in lieu of a fixed floodwall; and a revised community impact mitigation plan. The community impact mitigation plan has been revised considerably, with some mitigation items contained in the draft mitigation incorporated as part of the construction plan. The funding amounts for some of the items remaining in the mitigation plan have been increased, and some new items

have been added. The total estimated cost of the mitigation plan has remained the same, at \$33 million.

6.2. REQUIRED COORDINATION

6.2.1. This final EIS is being furnished to Federal, state, and local agencies and to other interested parties for review and comment. The U.S. Fish and Wildlife Service (USFWS) has provided a final Fish and Wildlife Coordination Act Report that is included in Appendix D, Section 11. All coordination required for this final report has been accomplished with the State Historic Preservation Officer and the Advisory Council on Historic Preservation concerning National Register properties and other cultural resources. Consultation concerning endangered and threatened species and prime and unique farmlands is complete.

6.2.2. Table 12 shows the Federal laws, executive orders, and state laws that apply to this study and the status of compliance with each. The table shows that required compliance with the Clean Water Act is not complete. The Louisiana Department of Environmental Quality has not made a determination as to whether or not the recommended plan will be issued State Water Quality Certification.

6.3. STATEMENT RECIPIENTS

6.3.1. Copies of the draft EIS were provided to U.S. Senators and Congressmen representing Louisiana; Departments of Interior, Commerce, Energy, and Housing and Urban Development; Federal Emergency Management Administration; and Environmental Protection Agency. Copies were also sent to state and local elected officials, state agencies, environmental groups, local libraries, and other interested groups and individuals. Recipients of the draft EIS are listed in Appendix D, Section 5.

6.3.2. This final document, or a notice of its availability, has been distributed to state and Federal agencies, libraries, and those who provided comments on the draft report/EIS.

6.4. PUBLIC VIEWS AND RESPONSES

6.4.1. Views of the various parties that could be affected by a new lock have been described in detail in Section 6.1, Public Involvement Program and Study History. In summary, the widespread and long-standing opposition of locally elected officials and residents of St. Bernard Parish to a new lock in that parish, along with the irreparable damage that would occur to coastal wetlands, has resulted in a determination by the Corps of Engineers that a new lock in St. Bernard Parish is un-implementable. Involvement of the residents living in the vicinity of the IHNC and their locally elected officials, along

with navigation interests, the local sponsor, and other affected parties has resulted in the determination by the Corps of Engineers that the only reasonable location for a replacement lock at the IHNC is the North of Claiborne Avenue alternative. Local residents and locally elected officials from the IHNC area continue to oppose any plans to replace the IHNC lock that would disrupt their communities.

TABLE 12
COMPLIANCE WITH ENVIRONMENTAL STATUTES

STATUTE	COMPLIANCE DOCUMENT	LOCATION	STATUS ¹
<u>Federal</u>			
Abandoned Shipwreck Act of 1988	EIS		Full
Archeological and Historic Preservation Act of 1974	EIS		Full
Bald Eagle Act	USFWS response to request	APPENDIX D	Full
Clean Air Act, as amended	EIS		Full
Clean Water Act of 1977, as amended	404(b)(1) evaluation	APPENDIX D	Partial
Coastal Zone Management Act of 1972, as amended	Consistency Determination	APPENDIX D	Full
Endangered Species Act of 1973, as amended	USFWS & NMFS responses	APPENDIX D	Full
Estuary Protection Act	EIS		Full
Farmland Protection Policy Act	EIS	APPENDIX D	Full
Federal Water Project Recreation Act, as amended	EIS		Full
Fish and Wildlife Coordination Act, as amended	USFWS Coord. Act Report	APPENDIX D	Full
Floodplain Management (Executive Order 11988)	EIS		Full
Land and Water Conservation Fund Act of 1965, as amended	EIS		Full
National Environmental Policy Act of 1969, as amended	EIS		Full
National Historic Preservation Act of 1966, as amended	EIS		Full
Protection and Enhancement of the Cultural Environment, 1971 (Executive Order 11593)	EIS		Full
Protection of Wetlands (Executive Order 11990)	EIS		Full
River and Harbor and Flood Control Act of 1970	EIS		Full
Water Resources Development Acts of 1976, 1986, and 1990	EIS		Full
Wild and Scenic River Act, as amended	EIS		Full
<u>State</u>			
Air Control Act	EIS		Full
Louisiana State and Local Coastal Resources Management Act of 1978	Consistency Determination	APPENDIX D	Full
Louisiana Natural and Scenic Rivers System Act	EIS		Full
Louisiana Water Control Act	EIS		Full

6.5. FISH AND WILDLIFE COORDINATION ACT

6.5.1. The USFWS has provided a final Coordination Act Report which is contained in Appendix D, Section 11. The USFWS has coordinated their report with the National Marine Fisheries Service and the Louisiana Department of Wildlife and Fisheries and incorporated their comments. The Coordination Act Report contains specific recommendations for minimizing adverse impacts to the natural environment. The recommendations and the Corps of Engineers' responses are as follows:

6.5.2. Recommendation #1: Further investigate alternative locations (e.g., Barriere Site) for the graving site that have minimal fish and wildlife habitat value. If the Corps determines

that the proposed graving site is the only feasible alternative, minimize impacts to fish and wildlife resources by confining the graving and staging areas to the minimum necessary for project completion. The Corps should ensure that the site preparation does not adversely affect (i.e., drain or fill) the adjacent emergent marsh and forested wetlands. In that event, the Corps should coordinate with the Service to quantify any such losses and develop appropriate compensation measures.

Response: Alternative locations for the graving site would be investigated during preparation of the design memorandum for the lock construction contract. If no feasible alternatives are available, a commitment has been made to restrict the adverse effects of the graving site to the minimum necessary for lock module construction (25 acres). If, during detailed design of the project, a determination is made that additional area would be adversely affected, NEPA documentation would be prepared and coordinated with appropriate agencies. If the final design would adversely affect additional fish and wildlife habitat, impacts would be mitigated.

6.5.3. Recommendation #2: Minimize potential impacts from contaminated spoil placed in the confined disposal facilities (CDF's) by designing those disposal areas to ensure that the material will remain within those areas. That may include constructing internal diking structures to increase effluent retention time in the CDF's. The Service is available to work with the Corps in refining spoil disposal plans for those areas.

Response: The Corps would design diking systems to retain the material within the disposal site. Design of the confined disposal area would be coordinated with the Service and other interested agencies during preparation of the design memorandum for the channel dredging.

Recommendation #3: Use uncontaminated material dredged from the lower east bank to create emergent marsh in shallow open water northeast of the IHNC. The proposed creation of approximately 41 acres of marsh with the material would fully compensate for currently anticipated habitat losses. The Corps should conduct post-construction surveys of the marsh creation area to ensure that those losses are fully compensated.

Response: The plan is to use the material as recommended. Plans to survey the area to determine the success of the marsh creation (mitigation) effort would be developed during the project construction phase.

Recommendation #4: Minimize the right-of-way needed (in forested and marsh areas) for the St. Claude Avenue and North Claiborne Avenue detour road.

Response: The detour road would be constructed with the minimal right-of-way necessary for safety and along the edge of a forested tract. If for some unforeseen reason the road cannot be constructed in the location currently envisioned, additional consultation and NEPA documentation will be necessary, along with possible mitigation.

7. LIST OF PREPARERS

The following persons were primarily responsible for preparation of the Environmental Impact Statement:

NAME	DISCIPLINE/EXPERTISE	EXPERIENCE	ROLE IN PREPARING EIS
Mr. Richard E. Boe	Estuarine Fishery Biology	11 years, Marine Fisheries Research, Louisiana Dept. Wildlife & Fisheries; 8 years, Fishery Biologist, Corps of Engineers, New Orleans District	EIS Coordinator and Primary Author, Environmental Resources Analysis, Responses to Public Comments
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7. LIST OF PREPARERS

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8. LITERATURE CITED

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